

Dave Higgins
May 24, 2017

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHERWIN T. WRIGHT)	
Plaintiff,)	
)	
vs.)	Civil Action NO. 4:15-cv-02363
)	
CHEVRON PHILLIPS CHEMICAL)	
COMPANY, LP)	
Defendant)	

ORAL DEPOSITION

DAVE HIGGINS

MAY 24, 2017

ORAL DEPOSITION OF DAVE HIGGINS, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on the 24th day of May, 2017, from 10:10 a.m. to 1:20 p.m., before Melinda Barre, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Jackson Walker LLP, 1401 McKinney Street, Suite 1900, Houston, Harris County, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

EXHIBIT

A

Stratos Legal Services
800-971-1127

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1 understand a question that I'm asking, please let me
2 know because if you do answer it, then I'm just going to
3 take your answer to mean that you did understand the
4 question.

5 **A. Okay.**

6 Q. All right. Mr. Higgins, where are you
7 currently employed?

8 **A. Chevron Phillips Chemical, Pasadena, Texas.**

9 Q. Okay. And that's the Pasadena facility?

10 **A. Yes.**

11 Q. What is your position there?

12 **A. Maintenance electrician on shift, assistant**
13 **steward with the IBEW, alternate health and safety rep**
14 **for IBEW, top coordinator, Chevron Phillips, which is**
15 **incident investigator.**

16 Q. Okay. Let me go through those.

17 **A. There's a lot more hats, but you asked me what**
18 **I do.**

19 Q. All right. Fair enough. So the first one was
20 you're an electrician in the maintenance department?

21 **A. Yes.**

22 Q. Okay. The second one was a chief steward with
23 the IBEW?

24 **A. Assistant steward with IBEW.**

25 Q. Okay. What were the third and fourth

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1 positions?

2 A. Alternate health and safety rep for IBEW.

3 Q. Okay.

4 A. And the next one I'll just say incident
5 investigator for the TOP program, which is triangle
6 prevention.

7 Q. Okay.

8 A. The next one is ops chief for the fire brigade.

9 Q. Okay.

10 A. Captain of the rescue team with the fire
11 brigade.

12 Q. Okay. As an electrician in the maintenance
13 department at Chevron, what are your responsibilities?

14 A. The maintenance of the electrical equipment at
15 the facility, repairs, replacement, small construction
16 of the electrical equipment.

17 Q. Okay. What about your responsibilities as the
18 assistant steward of, you said, IBW?

19 A. IBEW.

20 Q. IBEW.

21 A. International Brotherhood of Electrical
22 Workers. Assistant steward's duties: to listen to
23 grievances of the members, to be part of the contract
24 negotiations, to make sure our members follow procedures
25 and policy and vice versa for the company.

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1 MR. FLYNN: If you don't know, David,
2 just --

3 THE WITNESS: Okay.

4 MR. FLYNN: She can ask Lisa.

5 A. It just has to do with maintenance but using a
6 computer and other equipment to test equipment.

7 Q. (By Ms. Vahora) Okay.

8 A. And it's more of a specialty job.

9 Q. Okay. Of the 11 members that are at the
10 Pasadena facility that are part of this union, how many
11 of those are African-American?

12 MS. WILLIAMS: Objection, vague. You can
13 answer. I will do that from time to time. I'm sorry.

14 A. As of now, none.

15 Q. (By Ms. Vahora) Okay. Have there ever been
16 any members that identified themselves as
17 African-American?

18 A. Yes.

19 Q. When was that, and who was it?

20 A. Well, 28 years ago when I hired on, we had a
21 Ron Scott; and he left the plant in the '90s. And then
22 we had an Albert Carr, C-a-r-r, and he passed away. But
23 Ron Scott was with the plant for at least 20 years.
24 Albert Carr was probably there for roughly 30 years, if
25 my memory serves me right on this.

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1 **A. Yes.**

2 Q. Okay. During a LOTO process how many
3 electricians work to de-energize one isolation point?

4 **A. It's determined by the job at hand. On a small**
5 **480 breaker -- and that actually is more of the physical**
6 **size. A breaker that's probably 14 inches by 12 inches.**
7 **It's small. One person can do that. Now -- yes. One**
8 **person can do that, but it does take safety equipment.**
9 **And because of the safety equipment and the hazards that**
10 **are involved with it, definitely requires work orders**
11 **and permits.**

12 Q. Okay. Is there a person that after the first
13 electrician has de-energized a small breaker like in
14 your example, is there a second person that comes
15 through to make sure that it has been de-energized?

16 **A. Well, that would be during the isolation**
17 **portion of that. And that's usually a second set of**
18 **eyes that come in and start doing the verification that**
19 **power has been disconnected.**

20 Q. So the verification process is a second set of
21 eyes that go through during a LOTO procedure to make
22 sure that everything has been de-energized?

23 **A. Yes. But during a LOTO procedure, we don't**
24 **always drop T leads.**

25 Q. Okay.

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1 **isolation list.**

2 Q. All right. So I'm going to give you what I'm
3 going to mark as Exhibit 1.

4 (Exhibit 1 marked)

5 Q. (By Ms. Vahora) Mr. Higgins, have you had a
6 chance to look over Exhibit 1?

7 **A. Yes. I've seen this before.**

8 Q. Can you tell me what it is?

9 **A. It's an isolation list.**

10 Q. Was this the isolation list that was given to
11 the plaintiff, Mr. Wright?

12 **A. Yes.**

13 Q. And what is the sixth column where it says
14 Initial for Verification? What does that represent?

15 **A. It's the verification.**

16 Q. So is that --

17 **A. Okay. It kind of goes with -- 5 and 6 kind of**
18 **goes together, Electrical De-Energized & Verified By,**
19 **the CPC maintenance employee under Initial for**
20 **verification. Well, actually no. And it has Tyrell**
21 **Wright or T.W.**

22 Q. Okay.

23 **A. And that's electrical de-energized, turned off**
24 **breaker.**

25 Q. So by initialing the Electrical De-Energized &

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1 Verified By column, which is the fifth column, it means
2 that Mr. Wright turned off the breaker?

3 A. He either, A, turned off the breaker or, B,
4 watched the operator turn off the breaker.

5 Q. Okay.

6 A. To verify that the original or initial
7 de-energization is from the breaker being shut off.

8 Q. Okay. And then the next column over where it
9 says Initial for Verification, is that for the second
10 set of eyes that you mentioned, to make sure that the
11 isolation points had been de-energized?

12 A. Yes. I mean, I don't see initials on this
13 first page; but as you go through --

14 MR. FLYNN: She's just asking you about
15 this column.

16 A. Yes. And that's what I'm looking at because
17 you have other initials under the full list.

18 Q. (By Ms. Vahora) Right.

19 A. That should be the employee that actually does
20 the verification of the verification tags installed, I
21 believe, because I'm not seeing initials on that one.

22 Q. Okay. So is this the point where a second
23 person goes in and puts in those green tags that you
24 mentioned?

25 A. I believe so. Should be.

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1 Q. What does OPS stand for?

2 **A. Operations.**

3 Q. So is that somebody from operations that would
4 go and verify that the isolation points have been
5 de-energized?

6 **A. Yes.**

7 Q. And then CPC maintenance?

8 **A. That would be the Chevron Phillips maintenance**
9 **employees.**

10 Q. And then what is the -- it just says CON
11 Maintenance?

12 **A. That's a contractor maintenance.**

13 Q. Okay.

14 **A. That would be a contractor if that was the**
15 **person doing the verification.**

16 Q. Okay. So at any one point there are three
17 people that are verifying to make sure that an isolation
18 point has been de-energized?

19 **A. Absolutely.**

20 Q. What does isolation list No. 42 represent?
21 What does the number 42 represent at the very top?

22 **A. Oh, that meant there was probably 42 lockboxes**
23 **on that job.**

24 Q. Okay.

25 **A. This was in preparation of a shutdown, a**

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1 shutdown which lasted, I believe, in the neighborhood of
2 45 days, something like that. And so within the weeks
3 prior to the shutdown, that's when they start going
4 through isolation activities and prepping everything so
5 that on the day of the start of the shutdown work can
6 commence.

7 Q. Okay. If you look at the third page -- and
8 that's Bates labeled CPCHEM65 -- at the top it says
9 Isolation No. 42. So we're still talking about the same
10 isolation, correct?

11 A. Yes. This isolation list should have a 42 all
12 the way through, correct? So the 42, as I said before,
13 stands for the lockbox number.

14 Q. Okay.

15 A. And that means all these points had to be
16 isolated for people to work out of that lockbox.

17 Q. Okay.

18 A. So when a person would go on the job, they
19 would put their craft tag on this lockbox and then they
20 would put their personal lock on this lockbox, which
21 protects you.

22 Q. Okay. So on Bates labeled 65 is there a reason
23 that you know of why the --

24 MR. FLYNN: That's page 4 out of 10 on the
25 right.

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1 MS. VAHORA: Yes.

2 MR. FLYNN: She's asking you something
3 from that page.

4 Q. (By Ms. Vahora) Do you know why the Electrical
5 De-Energized and Verified By column is left empty on
6 this particular page?

7 A. Oh, because there is no electrical isolation
8 points on this page.

9 Q. That makes sense.

10 A. Well, if you read through location of lock or
11 tagout tag on equipment says "close and lock out manual
12 chain slide valve." That's a slide valve. It's air
13 operated possibly or valve operated, meaning that it's a
14 mechanical valve that pushes a slide valve across and
15 closes it.

16 Q. Okay. So there's no electrical activity?

17 A. There is zero electrical activity here.

18 Q. Understood. Do you know why the Initial for
19 Verification -- and I'm back on page 2 of 10, which is
20 Bates labeled 63.

21 A. Okay.

22 Q. And 64. Would you happen to know why there is
23 not a second, third or fourth set of initials on the
24 Initial for Verification column?

25 A. No, I do not.

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1 power lights were on the breakers or anything. So
2 because of that, he would have been like, Okay, the
3 breaker is turned off.

4 Q. If a breaker is turned off without the T leads
5 being removed, can anybody still get hurt? In other
6 words, is energy flowing through that system if the
7 breaker is off but the T leads have not been removed?

8 A. Because of the try part when you push the
9 button, if the motor doesn't come on, it's in the safe
10 position. The breaker is turned off. Okay. It's
11 verified that that part's been de-energized, but that's
12 why you do the try part.

13 Understanding the manufacture of breakers
14 and having experience, there's a potential for them to
15 fail. But the reality is for that breaker to supply
16 power out to the field, it would have to be reenergized.
17 It's almost a two-step process. The breaker has to be
18 turned on but then an operator would have to push a
19 button to start that motor out in the field where that
20 breaker supplies power to.

21 Q. Absent the breaker being turned on, would the
22 piece of equipment, whatever it is that it's attached
23 to, would it be energized if the breaker was turned off?

24 A. No.

25 Q. Okay.

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1 **A. It shouldn't be.**

2 Q. Do you know if a work order was given to
3 Mr. Wright to remove the T leads on September 30th,
4 2014?

5 **A. No. He was not given a work order.**

6 Q. Because it was a T leads -- and you mentioned
7 this before, that it requires a work order -- was him
8 not being supplied a work order out of the ordinary?

9 MS. WILLIAMS: Objection, calls for
10 speculation, vague.

11 **A. In that process normally you would be handed a**
12 **work order to remove the T leads, and you would also**
13 **receive work direction from your supervisor stating what**
14 **job you are about to go do.**

15 Q. Okay. In your 28 years at Chevron have you
16 known of anybody to violate the LOTO process? In other
17 words, they either didn't turn off a breaker or they
18 didn't remove a T lead or they didn't do exactly what
19 they were supposed to on that isolation list?

20 **A. On that isolation list. Very loaded question.**
21 **There's a lot of answers to those. First part, yes.**
22 **I'm aware of lots of sometimes when lockout/tagout**
23 **procedure was violated.**

24 **But when you're talking about the**
25 **isolation list, in my 28 years out there normally when I**

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1 see an isolation list on that left-hand column, it
2 specifically just has the equipment to be locked out,
3 not work direction on how to lock it out.

4 Q. Okay.

5 A. This to me, for me, was new to have -- to
6 seeing these highlighted areas -- "do not lock out
7 breaker, call electricians to disconnect T leads." This
8 is not to the norm. To the norm it just says
9 "de-energize lockout loadout vacuum blower motor." That
10 one doesn't mention dropping T leads.

11 Q. Okay.

12 A. So that was just de-energized. But you're just
13 normally seeing what item -- because it says location of
14 lock or tagout tag on equipment. That's the title above
15 that line, not to have actual work direction put on
16 here.

17 Q. Okay. So, in other words, because it mentions
18 dropping T leads, usually -- sorry. Let me rephrase
19 that.

20 Usually on an isolation list it does not
21 include work directions for dropping T leads. Is that
22 correct?

23 A. In my experience not until this isolation list
24 that I'd ever seen that.

25 Q. So not in 28 years --

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1 **A. And then, if I'm not mistaken, he reports**
2 **directly to the plant manager.**

3 Q. Okay. After this letter was issued to
4 Mr. Wright, do you know of any recertification processes
5 that Chevron made Mr. Wright undergo?

6 **A. I know they put him in a cubicle. They said**
7 **he's got to go through all this retraining. My**
8 **understanding is they gave him books from 20, 30 years**
9 **ago and said, Just read these, because they've never**
10 **really had an actual procedure or setup for that**
11 **recertification for any electrician.**

12 Q. In your experience at Chevron has any
13 electrician been required to recertify in a similar
14 manner?

15 **A. No.**

16 Q. Do you have an opinion as to why Mr. Wright was
17 disciplined in this unique way?

18 **A. I really don't have an opinion.**

19 Q. Okay.

20 **A. I have no understanding why. I thought it was**
21 **excessive.**

22 Q. Why did you think it was excessive?

23 **A. Because I've never seen discipline as such**
24 **before.**

25 Q. If an electrician was having issues in regards

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1 to their competency and they brought it up to the union,
2 what would the union -- how would that procedure play
3 out?

4 A. Well, I know with the union we have a process
5 where they go to the hall. They might have testing for
6 them to see where -- if there was any inadequacies with
7 that electrician. And then we'd probably set together a
8 retraining of some kind to address the issues.

9 Q. So the union actually has processes in place
10 where an electrician's incompetency may be at issue?

11 A. Yes.

12 Q. All right. I'd like to now talk about the
13 alleged incident where Mr. Wright was alleged to be
14 sleeping while he was on the job.

15 A. Okay.

16 Q. Do you know if anybody else has ever been
17 caught sleeping on the job?

18 A. Yes.

19 Q. And how were they disciplined, if at all?

20 A. What I remember is in my 28 years we've had two
21 people that were disciplined for sleeping on the job.
22 That sleeping with shoes off, made a bed and out of
23 their area, they intentionally went to sleep.

24 After both incidences management, which is
25 not the management we have today -- that changes -- over

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1 the course of three to five years management seems to
2 swap out. Management came to all employees and stated,
3 If you're out of your work area, you've got your shoes
4 off, you made a bed, that's intentional sleeping; and
5 this is our grounds for disciplinary action up to
6 firing.

7 But they also stated, You're sitting in a
8 chair and you nod off, you know, and easily, hey, woke
9 up. That was never considered sleeping. You just sat
10 in the chair and passed out. And there's always
11 everyday examples, whether you're in this meeting or
12 that meeting, and you look around the room and one or
13 two people will have their head tilted down and nodded
14 off temporarily, momentarily.

15 Q. Okay. So your understanding of the rule at
16 Chevron as far as sleeping on the job is concerned, is
17 unless there is an intentional sleeping where you have
18 your shoes off and you're making a bed and you're taking
19 a nap --

20 A. Absolutely.

21 Q. -- then nodding off or zoning out is okay?

22 A. It was understood that it happens.

23 Q. Okay. So, in other words, nodding off would
24 not be disciplined outside of maybe verbal coaching?

25 A. Maybe so. Hey, you need to get up and walk

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1 around, you know.

2 Q. Do you know what happened when Mr. Wright was
3 allegedly caught nodding off?

4 A. My understanding is that someone heard snoring.
5 A contract supervisor, I believe, went over there,
6 tapped him on the shoulder and then walked down to HR
7 and said, Hey, your guy down in that cubicle was asleep.

8 Q. Was this contract supervisor, was he an
9 employee of Chevron?

10 A. He's a supervisor. So I believe he was a
11 nested contract. That means it's a long-time
12 contractor, not a temporary contractor.

13 Q. Did Mr. Wright deny that he was the individual
14 that was sleeping?

15 A. He told me that he doesn't believe it was him;
16 he believed it was someone in another cubicle because he
17 said he heard snoring, so ...

18 Q. All right.

19 A. And he stated he stood up and looked over the
20 cubicle and said, Hey, man, somebody woke me up or told
21 me to wake up when I believe it was you that was snoring
22 or something. But that's from what I remember Tyrell
23 stating.

24 Q. Do you know what Mr. Wright was doing when this
25 happened?

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1 MS. WILLIAMS: Objection, calls for
2 speculation.

3 A. What I was told that he was doing was sitting
4 with both feet on the floor in a chair with a electrical
5 workbook in his lap that he had been studying.

6 Q. (By Ms. Vahora) Was this during his
7 recertification process?

8 A. Yes. Toward the end of the day 4:30, 5:00 in
9 the afternoon sitting in a cubicle all day in this
10 position right here. I mean, that's my understanding of
11 how he was found.

12 Q. Okay. Was he doing any electrical work during
13 his recertification process?

14 A. No. He was not allowed.

15 (Exhibit 3 marked)

16 Q. (By Ms. Vahora) I'm going to hand you what's
17 been marked Exhibit 3. Are you ready?

18 A. I'm ready.

19 Q. Do you recognize this letter dated November 18,
20 2014?

21 A. Yes. I was involved in this meeting.

22 Q. So what happened at this meeting?

23 A. They called him in. Comments were made. "I'm
24 surprised you still have a job, but someone must be
25 smiling on you and we're giving you another chance at

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1 employment."

2 I believe he was given three days off and
3 brought back. After this letter came about, I
4 personally leaned over to Tyrell and I said, Sign it, as
5 the first letter basically with the statement. And I
6 was told, He cannot sign it that way.

7 Q. And who made that statement?

8 A. I believe it was Lisa Laurin. She stated that
9 he cannot. He has a final chance. He's lucky to be
10 here. He can't sign it with basically a -- what's the
11 word?

12 MR. FLYNN: Why don't you just read what
13 is written.

14 A. "I disagree with what is stated in this
15 letter."

16 Q. (By Ms. Vahora) So the same notation that he
17 made in the October 30th letter he was not allowed to
18 make on the November 18th letter. Is that correct?

19 A. Correct.

20 Q. So how was Mr. Wright disciplined after the
21 sleeping incident?

22 A. I believe he was given three days off no pay,
23 final final warning and then returned to work.

24 Q. Have you ever witnessed or been involved in or
25 heard of anybody being disciplined in a similar manner

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1 for nodding off?

2 A. Not for nodding off, no. May I add one thing
3 to this?

4 Q. Sure.

5 A. In the past when a person was accused of
6 sleeping on the job, it's not written but it's been a
7 past practice that it's usually a plant manager or
8 salaried employee and they tried to do their best to
9 have a witness with them so that there is not an
10 argument or disagreement that this guy was sleeping or
11 not. And that is past practice, basically a supervisor
12 and a supervisor. Two people witness it and then wake
13 the man up; and then they'll either set him up for a
14 meeting, send him home, that type of stuff.

15 Q. Did that happen in this incident with
16 Mr. Wright?

17 A. The way I understand it, a contract supervisor
18 woke him up, went down to HR, said, Hey, I just woke up
19 the guy down in the cubicle.

20 Q. You mentioned that there were two people that
21 you know of that were disciplined that had actually
22 taken off their shoes and made beds. Who were the two
23 people?

24 A. One was an electrician back in the '90s. His
25 name was Tony D'Allisio. And it was during a shutdown

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1 and he was out of his area, kind of in a private
2 building. He had two chairs, a blanket, his boots off
3 and he was in deep sleep. And what I mean by that, you
4 know, supervisors will walk up and say, "hey," and he'd
5 like look up at them. Okay.

6 But if they, "hey," and get to the point
7 where they actually physically have to touch you or
8 shake you, you're in deep sleep. Then they have an
9 issue with that.

10 Q. And who was the second individual?

11 A. Gabe Mosqueda, M-o-s-q-u-a-d-a [sic] maybe.

12 Q. When was that?

13 A. That was another shutdown. That was probably
14 in the mid '90s. I'm sorry. Tony D'Allisio in the mid
15 '90s; Gabe Mosqueda possibly mid 2000. And he was in a
16 shutdown. And he was actually warned prior to him
17 getting busted, Do not leave your area, you know. Do
18 not make a bed. They're watching you. But he was
19 actually leaving the polyethylene shop area and driving
20 all the way to the welding shop area in his truck and
21 making a bed in his truck.

22 Q. Was the fact that these two individuals fell
23 asleep, in deep sleep, and made their bed during a
24 turnaround incident, did that have anything to do with
25 the fact that they were disciplined? Did that make the

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1 act more egregious?

2 A. Yes.

3 Q. Why is that?

4 A. Because they intentionally were making a bed to
5 go to sleep. They were intentionally sleeping on the
6 job.

7 Q. Them doing this, was it a potential safety
8 violation?

9 A. No. It's just a violation of the working
10 rules.

11 Q. How were those individuals disciplined?

12 A. They were fired.

13 Q. Prior to their termination you mentioned that
14 Mr. Gabe was warned. Was Mr. Tony also warned?

15 A. No. Tony was not warned. And what came from
16 that meeting is Tony was fired, and then some other
17 circumstances happened within a week after he was fired
18 that terminated him permanently. But the company came
19 to the union and stated, Hey, we were just trying to
20 make a point. We were going to call him back after
21 seven days.

22 Q. Okay.

23 A. But because of some other extenuating
24 circumstances with another employee and Tony, they both
25 ended up permanently fired.

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1 Q. Then you mentioned that -- was it after these
2 two people had been disciplined that the company
3 actually had a meeting regarding sleeping on the job?

4 A. Well, yes. They just made like a tailgate --
5 in a tailgate verbal announcement that, Hey, you're
6 sitting in a chair and you just nod off, that's one
7 thing. But don't intentionally leave your area, take
8 your shoes off, grab you a blanket and go to sleep.

9 Q. Was there ever any other meetings or rules in
10 regards to sleeping or dozing off after that?

11 A. It was never brought up. The only thing we
12 have let's say in our CBT, computer-based training
13 modules, is it states, you know, that you have a
14 knowledge or an understanding of the plant working
15 rules. But it never actually goes down verbatim.

16 It does give you a link that if you want
17 to go and look at that verbatim, you can. But it just
18 basically I have an understanding of the working rules.

19 Q. Okay. Got it. All right.

20 You testified in the arbitration
21 proceeding that the policy with regards to calling in
22 sick in November of 2014 at Chevron was confusing. Do
23 you remember seeing that?

24 A. Yes.

25 Q. Why do you think it was confusing?

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1 Q. Okay. So there's no difference in procedures
2 with respect to how somebody might do something on day
3 shift versus the shift work that you do?

4 A. Yes.

5 Q. That's correct?

6 A. That is correct.

7 Q. Okay.

8 A. There is no differences.

9 Q. If the T leads were supposed to be dropped and
10 they weren't, would you consider that to be a serious
11 violation?

12 A. No.

13 Q. Why is that?

14 A. I'm going to give you my answer as an opinion
15 of a qualified electrician. I would have looked at it
16 as a potential near miss. But if you have a qualified
17 electrician about to do the work on the other end of it,
18 you're going to still test the equipment to verify that
19 power is off.

20 Q. So it does not matter to you that the T leads
21 would not have been dropped even though they were
22 supposed to be dropped? In your opinion, that's not a
23 significant issue?

24 A. I'm going to say no. It's not significant.
25 The power is off. The breaker was off. It was a near

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1 miss.

2 Q. Could somebody have gotten hurt if they had --
3 the breaker had gotten turned back on and the T leads
4 had not been disconnected and they were removing that
5 breaker?

6 A. Excuse me a minute. I'm thinking about this
7 because what you're asking you really do not understand
8 the process of what electrical work is.

9 The people were removing the motor out
10 into the field. You've got two different areas. For
11 the process for the power to end up on those wires in
12 the field, the breaker would have had to have been
13 turned on and then a start button would have had to be
14 pushed. It would have taken two or three steps to end
15 up with power out in the field.

16 Q. So what's the point of disconnecting the
17 T leads if it doesn't pose any potential risk? I mean,
18 what's the point --

19 A. The point of dropping the T leads, my
20 understanding, with this was they were demoing the
21 equipment that was out there in the field.

22 Q. Why would it be important to disconnect T leads
23 if you're demoing equipment?

24 A. Well, because you're taking the equipment out
25 of service is the proper term for it. And when you're

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1 taking equipment out of service, that's when you're
2 dropping your T leads because you're not bringing the
3 equipment back into service. So you're air-gapping it.

4 Q. But what's the significance of disconnecting
5 the T leads before you take it out of service?

6 A. It changes up your lockout. Instead of using
7 the breaker as the lockout point, you're using the
8 T leads as your lockout point.

9 Q. Why are you using T leads as a lockout point in
10 this instance?

11 A. Because it's air-gapped.

12 Q. Why is that important?

13 A. From what I'm reading here, they were demoing.
14 So you're decommissioning that equipment. So to just
15 further along your decommission, you're just dropping
16 the T leads off so that you're not following a regular
17 lockout or tagout-type situation. You're doing it in a
18 permanent position because when you're doing
19 out-of-service, that's actually not following your
20 lockout/tagout. Once you disconnect T leads, there's no
21 locks that really need to be there. So then you can
22 actually not even put it in a lockbox if you're
23 air-gapped.

24 Q. Is there a safety aspect to disconnecting
25 T leads in this instance that you described where you're

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1 decommissioning equipment?

2 **A. If you're demoing. But usually demoing, if**
3 **you're the person doing the demo, you start where the**
4 **demo needs to start at and you go work out to the motor,**
5 **you know.**

6 **Dropping T leads is like a demo. I stated**
7 **prior to that to do that that requires tools; it**
8 **requires a work order; it requires a permit; and it**
9 **requires work direction given to you by your supervisor.**

10 **Q. Does it require any electrician to ask**
11 **questions if they're confused about the process?**

12 **A. Well, anytime you're confused you should ask**
13 **questions.**

14 **Q. Okay. And back to my question, is there a**
15 **safety component or aspect to disconnecting or dropping**
16 **the T leads when you're decommissioning equipment? Is**
17 **it purely functional, or is there some safety aspect to**
18 **it?**

19 **A. The safety aspect is guaranteeing you that**
20 **there can't be an accidental energization of that**
21 **equipment.**

22 **Q. Okay.**

23 **A. But with the equipment just sitting there, it's**
24 **not just going to accidentally energize. It's going to**
25 **take people making some very big mistakes to do that.**

ISOLATION LIST #42

NO.	Location of Lock or Tagout #	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial]	Initial for Verification [Includes (a) below]			Verification Tag Installed	Date Lock Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	CPC Main.	Con. Main.		
2	Deenergize and lockout loadout Vacuum blower Motor 30-1305											
3	Deenergize and lockout loadout blower Motor 30-311 DO NOT LOCK OUT BREAKER...CALL ELECTRICIANS TO DISCONNECT "T" LEADS. (DEMO WORK (No Blue Tag Needed)	N/A										
4	Load Out blower Motor 30-321 DO NOT LOCK OUT BREAKER...CALL ELECTRICIANS TO DISCONNECT "T" LEADS. (DEMO WORK (No Blue Tag Needed)	N/A										
5	Hopper Car Dust Fan Motor 30-312 DO NOT LOCK OUT BREAKER...CALL ELECTRICIANS TO DISCONNECT "T" LEADS. (DEMO WORK (No Blue Tag Needed)	N/A										

EXHIBIT

PENGAD 800-631-6980

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CPCHEM000063

ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial] [Includes (a) below]	Initial for Verification [Includes (a) below]			✓ If Verification Tag Installed	Date Lock / Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	CPC Maint.	Con. Maint.		
6	North Load Out East Rotary Valve Motor 30-324 DO NOT LOCK OUT BREAKER...CALL ELECTRICIANS TO DISCONNECT "T" LEADS. (DEMO WORK (No Blue Tag Needed)	N/A										
7	North Load Out West Rotary Valve Motor 30-314 DO NOT LOCK OUT BREAKER...CALL ELECTRICIANS TO DISCONNECT "T" LEADS. (DEMO WORK (No Blue Tag Needed)	N/A										
8	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1507	1194	111	111	01-2-14							
9	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1506	1194	111	111	01-30-14							
10	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1505	1194	111	111	01-30-14							

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CPCHEM000064

ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial] [Includes (a) below]	Initial for Verification [Includes (a) below]			✓ If Verification Tag Installed	Date Lock / Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	CPC Maint.	Con. Maint.		
11	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1504	✓ 11901	BD	BD	9-30-14			BD	gZ		✓	
12	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1503	✓ 11902	BD	BD	9-30-14			BD	gZ		✓	
13	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1502	✓ 11908	BD	BD	9-30-14			BD	gZ		✓	
14	Close and Lockout Manual Chain Slide Valve Under Pellet Silo 1501	✓ 11903	BD	BD	9-30-14			BD	gZ		✓	
15	Close and Lockout Instrument Air line to Loadout Mod. Station Control Box	✓ 10640	BD	BD	9-30-14			BD	gZ		✓	
16	Close and Lockout Manual Ball Valve 5502 Upstream of 5502 (Tr. 1 Loadout Mod. Station)	✓ 10643	LM	LM	9/30/14			BD	gZ		✓	
17	Close and Lockout Instrument Air to Train 1 Cyclone Bag House Blowbacks	✓ 12239	BD	BD	9-30-14			BD	gZ		✓	

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Air to Ullage
on 6-2-1

ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized By & Verified By [Initial] [Includes (c) below]	Initial for Verification [Includes (a) below]		✓ If Verification Tag Installed	Date Lock Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	Con. with Initial		
18	(FIRST) Install restraining Device and Lockout in the Closed Position ZV-59130 (Spar Vacuum Blower 305) Crossover line.										
19	Close & Lockout Instrument Air, & Disconnect Tubing to ZV-59130 (Spar Vacuum Blower 305) Crossover line										
20	Close and Lockout Instrument Air to YV-93964. (Divert Valve on Train 2 pellet Transfer line to North Loadout Silo) (Top of North Loadout Silo)										

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ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial (Includes (a) below)			Electrical De-Energized & Verified By (Initial) (Includes (a) below)	Initial for Verification (Includes (a) below)		Verification Tag Installed	Date Lock Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed		Ops.	Con. Maint.		
21	Close and Lockout Instrument Air to YV-93963. (Diverter Valve on Train 1 pellet Transfer line to North Loadout Silo) (Top of North Loadout Silo)									
22	Close and Lockout Instrument Air to North Loadout Silo Air Cannon (3 rd level North East corner by Handrail.)									
23	Close and Lockout Instrument air to North Loadout Silo Bottom Slide Valve YV-93935									
24	Close and Lockout Instrument air to North Loadout Silo Bottom Pellet Sampler									
25	Close and Lockout Instrument air to North Loadout East Diverter Valve (YV-93503)									

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ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial] [Includes (a) below]	Initial for Verification [Includes (a) below]			✓ If Verification Tag Installed	Date Lock / Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	OPC Maint.	Con. Maint.		
26	Close and Lockout Instrument air to North Loadout West Diverter Valve (VV-93504)	12275	100	100	4/30/14			100 4-2				
27	Close and Lockout Instrument air to North Loadout #1 Chute	12275	100	100	4/30/14			100 4-2				
28	Close and Lockout Instrument air to North Loadout #2 Chute	12275	100	100	4/30/14			100 4-2				
29	Close and Lockout Instrument air to North Loadout #3 Chute	12275	100	100	4/30/14			100 4-2				
30	Close and Lockout Instrument air to North Loadout #4	12275	100	100	4/30/14			100 4-2				
31	North Loadout Rail Track Switch (East end of Plant)	12275	100	100	4/30/14			100 4-2				
32	North Loadout Rail Track Switch (West end of Plant)	12275	100	100	4/30/14			100 4-2				

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ISOLATION LIST #42

NO.	Location of Lock on Tagout Tag on Equipment	Ops. Lock or Tagout	Operator's Initial [Includes (a) below]				50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial] (Includes (a) below)	Initial for Verification [Includes (a) below]			Verification Tag Installed	Date Lock / Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed				Jps.	CPC Maint.	Con. Maint.		
N/A	ELECTRICAL LOW ENERGY	N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A	N/A
33.	LSL 96686; N LO; PLC 2KA; FUSE 93; DWG. IE-152	078455					N	KAL	24	PZ			
34.	WSH 93036; N LO; PLC 2KA; FUSE 106; DWG. IE-152	078457					N	KAL	30	PZ			
35.	YL 93963A; N THRGH ST; PLC 2KB; FUSE 314; DWG. IE-159	078457					N	KAL	30	PZ			
36.	YL 93963C; S DVRT ST; PLC 2KB; FUSE 315; DWG. IE-159	078468					N	KAL	30	PZ			
37.	YL 99326; N DVRT LC PNL; PLC 2K; FUSE 316; DWG. IE-159	078469					N	KAL	30	PZ			
38.	N. NIC PURGE START; PLC 2KB; FUSE 369A; DWG. IE-472	078470					N	KAL	30	PZ			
39.	YL 99973; N DRY CYCL; PLC 2KB; FUSE 448; DWG. IE-160	078471					N	KAL	30	PZ			
40.	YA 93031 N PLT WSH; PLC 2KB; FUSE 595; DWG. IE-167	078472					N	KAL	30	PZ			
41.	YL 93964A; S THRGH; PLC 22KB; FUSE 314; DWG. IE-304	078473					N	KAL	30	PZ			
42.	YL 93964C; N THRGH; PLC 22KB; FUSE 315; DWG. IE-304	078474					N	KAL	30	PZ			
43.	YL 99330; S. TRNS; PLC 22K; FUSE 316	078477					N	KAL	30	PZ			
44.	LSH 98373; Cyclone; PLC 2KA; FUSE 248; IE-157	078495					N	KAL	30	PZ			
45.	PSL 96722; NITLO; CAB. 1; UCN 2; NODE 2; MCD. 1; FUSE 3; DWG. I.D.	N/A	N/A	N/A	N/A		Y	N/A	N/A	N/A	N/A	N/A	N/A
46.	ZSC 93935; N. L/O DSCH VLV; PLC 2KA; FUSE 102; DWG. IE-152	078494					N	KAL		PZ			
47.	WFT 93038; NFR A WT; PLC 2KA; FUSE 610; DWG. IE-174	N/A	N/A	N/A	N/A		Y	N/A	N/A	N/A	N/A	N/A	N/A

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CPCHEM000069

ISOLATION LIST #42

NO.	Location of Lock or Tagout Tag on Equipment	Ops. Lock or Tagout #	Operator's Initial [Includes (a) below]			50 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial]	Initial for Verification [Includes (a) below]			✓ If Verification Tag Installed	Date Lock / Tag Removed
			Lock Out Tag Installed	Isolation Lock Installed	Date Installed			Ops.	CPC Maint.	Con. Maint.		
48.	LSL 95686; N. L/O LL; PLC 2KA; FUSE 93; DWG. IE-152	✓ 12112	N/A	N/A		N	KAL	12112	PZ		✓	
49.	95-02; N. L/O PANEL; IP2-LO; CKT. 15; DWG. E-447	✓ 12110	BD	BD	10-1-14	N	KAL	BD	PZ			
50.	95-02; N. L/O PANEL; IP2-LO; CKT. 14; DWG. E-447	✓ 12120	BD	BD	10-1-14	N	KAL	BD	PZ			
51.	PLC 1; N. L/O; PANEL IP-1-LO; CKT. 1; DWG. E-447	✓ 12130	BD	BD	10-1-14	N	KAL	BD	PZ			
52.	PLC 1; N. L/O; PANEL IP-1-LO; CKT. 2; DWG. E-447	✓ 12123	BD	BD	10-1-14	N	KAL	BD	PZ			
53.	PLC 3; FLUFF; PANEL IP-1-LO; CKT. 3; DWG. E-447	✓ 12125	BD	BD	10-1-14	N	KAL	BD	PZ			
54.	PLC 3; FLUFF; PANEL IP-1-LO; CKT. 7; DWG. E-447	✓ 12124	BD	BD	10-1-14	N	KAL	BD	PZ			
55.	PLC 3; FLUFF; PANEL IP-1-LO; CKT. 8; DWG. E-447	✓ 12126	BD	BD	10-1-14	N	KAL	BD	PZ			
56.	PLC 3; FLUFF; PANEL IP-1-LO; CKT. 9; DWG. E-447	✓ 12111	BD	BD	10-1-14	N	KAL	BD	PZ			
57.	SSL-83533; FLUFF L/O; PANEL IP-2-LO; CKT. 9; DWG. E-447	✓ 12117	BD	BD	10-1-14	N	KAL	BD	PZ			
58.	95-02; N. L/O IMPACTOR; PANEL IP-2-LO; CKT. 13; DWG. E-447	✓ 12109	BD	BD	10-1-14	N	KAL	BD	PZ			
59.	95-02; N. L/O PANEL; PANEL IP-2-LO; CKT. 15; DWG. E-447	✓ 12115	BD	BD	10-1-14	N	KAL	BD	PZ			
60.	CP-1; CNTRL PWR; PANEL IP-2-LO; CKT. 2; DWG. E-447		N/A	N/A		N	KAL	BD	PZ		✓	
61.	CP-1; CNTRL PWR; PANEL IP-2-LO; CKT. 4; DWG. E-447		BD	BD	10-1-14	N	KAL	BD	PZ			

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Isolated Equipment: IL#42 Pellet Transfer and Loadout

CHEM000070

ISOLATION LIST #42

NO.	Location of Lock or Tagout	Ops. Lock or Tagout	Operator's Initial		150 V or Less Instr. (Y/N)	Electrical De-Energized & Verified By [Initial]	Initial for Verification			Verification Tag Installed	Date Lock Tag Removed
			Lock Tag Installed	Isolation Lock Installed			Ops.	CPC Maint.	Con. Maint.		
62.	CP-3; CNTRL PWR; PANEL	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
63.	IP-2-LO; CKT. 6; DWG. E-441	12118	10-1-14	10-1-14	N	KAL	10-1-14	P2			
64.	CP-4; CNTRL PWR; PANEL	12116	10-1-14	10-1-14	N	KAL	10-1-14	P2			
65.	IP-2-LO; CKT. 10; DWG. E-441	12119	10-1-14	10-1-14	N	KAL	10-1-14	P2			
66.	IP-2-LO; CKT. 14; DWG. E-441	12119	10-1-14	10-1-14	N	KAL	10-1-14	P2			
67.	HIC SPOT LIGHTS; ABOVE 72.6 FT. PANEL LP-1-LO; CKT. 6; DWG. E-441	12121	10-1-14	10-1-14	N	KAL	10-1-14	P2			
68.	HIC RECEPTICLES; ABOVE 72.6 FT.; PANEL LP-1-LO; CKT. 20; DWG. E-441	12122	10-1-14	10-1-14	N	KAL	10-1-14	P2			
69.	HIC RECEPTICLES; ABOVE 72.6 FT.; PANEL LP-1-LO; CKT. 18; DWG. E-441	12122	10-1-14	10-1-14	N	KAL	10-1-14	P2			
70.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
71.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
72.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
73.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
74.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
75.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
76.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
77.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
78.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
79.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
80.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
81.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
82.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
83.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
84.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
85.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
86.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
87.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
88.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
89.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
90.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
91.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
92.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
93.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
94.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
95.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
96.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
97.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
98.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
99.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			
100.	Plant 4th 70 loadout	12114	10-1-14	10-1-14	N	KAL	10-1-14	P2			

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CPCHEM000071

Isolated Equipment: IL#42 Pellet Transfer and Loadout